

1 RICHARD SEGERBLOM, ESQ.
Nevada Bar No. 1010
2 700 South Third Street
Las Vegas, Nevada 89101
3 Tel: (702) 388-9600
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4 Attorney for Plaintiff
5

6
7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF NEVADA**

9 CHARLES KLOSOWSKI,)
10)

Plaintiff,)

11 vs.)

12 STATE BAR OF NEVADA,)
13)

14 Defendant.)
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COMPLAINT
(Jury Demanded)

COMES NOW Plaintiff and complains of Defendant as follows:

First Cause of Action
(Disability Discrimination)
I.

This is an employment discrimination action. The Plaintiff alleges he was treated differently, denied an accommodation and terminated by the Defendant because of his disability and because he engaged in protected activity. Jurisdiction and venue are based upon the ADA.

II.

The Plaintiff is a resident of Clark County, Nevada and is a qualified individual with a disability. The Defendant is a Nevada corporation which regulates the legal profession in the State of Nevada. At all times herein the Plaintiff was employed by the

1 Defendant.

2 III.

3 The Plaintiff worked as Assistant Coordinator, LRE, at the Defendant's Las Vegas
4 office. During the summer of 2012 the Plaintiff was perceived as having a disability, and
5 rather than enter into the interactive process to determine the nature of that disability and
6 whether it could be accommodated, the Defendant terminated the Plaintiff on August 6,
7 2012. In failing to engage in the interactive process and instead terminating the Plaintiff the
8 Defendant violated the ADA.

9 IV.

10 The Plaintiff filed a charge of discrimination with the EEOC and a copy of that
11 charges is attached hereto and the facts asserted therein are hereby incorporated by reference.
12 A right to sue letter based upon his charge has been obtained and this lawsuit has been filed
13 within 90 days of receipt of that letter.

14 V.

15 As a direct result of the Defendant's discriminatory acts the Plaintiff has suffered
16 financial loss, physical injuries and emotional distress based upon those injuries. The above
17 described acts of Defendant were willful and done with a conscious disregard for Plaintiff's
18 federally protected rights.

19
20 **Second Cause of Action**
21 **(Retaliation)**

22 VI.

23 The Plaintiff repleads and realleges the allegations contained in paragraphs I through
24 V above as though fully set forth herein.

25 VII.

26 The above described acts of Defendant constitute retaliation in violation of the ADA
27 and the Plaintiff has been harmed as a direct result of said acts.

1 WHEREFORE Plaintiff prays for the following relief:

- 2 1. Reinstatement, with full backpay, benefits, seniority and prejudgment interest;
- 3 2. Front pay, if reinstatement is not practicable;
- 4 3. Compensatory damages in the amount of \$100,000;
- 5 4. Punitive damages in the amount of \$100,000;
- 6 5. Attorney's fees and costs of suit; and
- 7 6. Such other and further relief as the Court may wish to entertain.

8 DATED this 7th day of January, 2013.



RICHARD SEGERBLOM, ESQ.
700 South Third Street
Las Vegas, Nevada 89101
Attorney for Plaintiff

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC

846-2012-67241

Nevada Equal Rights Commission

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Charles Klosowski

Home Phone (Incl. Area Code)

(702) 856-6481

Date of Birth

07-01-1980

Street Address

City, State and ZIP Code

6392 Caballo Lake Ct, Las Vegas, NV 89148

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

STATE BAR OF NEVADA

No. Employees, Members

15 - 100

Phone No. (Include Area Code)

(702) 382-2200

Street Address

City, State and ZIP Code

600 E. Charleston, Las Vegas, NV 89104

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☒ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest

08-06-2012 08-06-2012

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

- I. I have been employed by the Nevada State Bar Association since on or about August 30, 2010, most recently as a Assistant Coordinator, LRE. Since on or about July, 2012, when my mother Debra King took over for Debbie Berger over at Project One, I have been retaliated against and targeted for discrimination. On or about July 26, 2012, after witnessing Kathleen Dickinson attack a female teacher and making her cry I was again targeted for retaliation. On or about August 6, 2012 I was discharged.
- II. No reason was given to me for the retaliation. No reason was given to me for the discharge.
- III. I believe I have been discriminated against due to my disability and in retaliation which are in violation of Title VII of The Civil Rights Act of 1964, as amended and The Americans with Disabilities Act of 1991, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Sep 11, 2012

Date

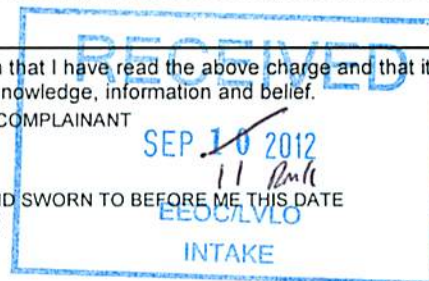


Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Charles Klosowski**
6392 Caballo Lake Ct
Las Vegas, NV 89148

From: **Las Vegas Local Office**
333 Las Vegas Blvd South
Suite-8112
Las Vegas, NV 89101



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

846-2012-67241

Ramiro M. Gutierrez,
Investigator

(702) 388-5081

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Pasmina for Rosa Viramontes

OCT 05 2012

Enclosures(s)

Rosa Viramontes,
Acting Director

(Date Mailed)

cc:

STATE BAR OF NEVADA
600 E. Charleston
Las Vegas, NV 89104

DECLARATION OF JAMES J. COUGHLIN

I, James J. Coughlin, do hereby declare under oath that the foregoing is a true and correct copy of the original document filed herewith.

Subscribed and sworn to before me this 1st day of January, 2013.

Notary Public for the State of New Jersey
My Commission Expires: 12/31/2015

James J. Coughlin
Notary Public

Notary Seal

NOTARIAL PUBLIC STATE OF NEW JERSEY

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NOTICE OF SUBMISSION

Notice is hereby given that the following documents have been submitted to the court for filing:

The following documents have been submitted to the court for filing: 1. Declaration of James J. Coughlin; 2. Notary Public for the State of New Jersey; 3. Notary Seal; 4. Notarial Public State of New Jersey; 5. Notice of Submission.

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1005 P. 1000

James J. Coughlin
Notary Public

Notary Seal
Notary Public
Notary Seal